

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0801

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1277** - 2/18/97

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the requirements for registered engineers,  
2 architects, and land surveyors approving certain building projects.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-18-7 be amended to read as follows:

5 36-18-7. This chapter does not apply to:

6 (1) Any person engaged in military engineering while rendering service exclusively for any  
7 of the armed forces of the United States or this state;

8 (2) Any person engaged in the practice of professional engineering, or architecture in the  
9 employ of the United States government but only while exclusively engaged as a  
10 United States government employee on such government project or projects which  
11 lie within federally-owned land;

12 (3) Any person engaged in the practice of professional engineering, architecture, or land  
13 surveying in the employ of the state and any of its political subdivisions but only while  
14 rendering service exclusively to such employer. Any building resulting from the  
15 practice of professional engineering, architecture, or land surveying under this

subdivision shall be subject to the size limitation imposed under the exemptions in subdivision (8) of this section;

(4) Any employee who prepares technical submissions or administers construction contracts for a person or organization lawfully engaged in the practice of engineering, architecture, or land surveying, if the employee is under the direct supervision of a registered professional engineer, architect or land surveyor;

(5) Any full-time employee of a corporation, partnership, firm, business entity, or public utility while exclusively doing work for ~~said~~ the corporation, partnership, firm, business entity, or public utility, if the work performed is in connection with the property, products, and services utilized by ~~his~~ the employer and not for any corporation, partnership, firm, or business entity practicing or offering to practice architectural, engineering, or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure ~~where~~ if the primary use is occupancy by the public;

(6) Any person engaged in the preparation of plans and specifications for the erection, enlargement or alteration of any of the following buildings:

(a) Any dwelling for a single family, and any outbuilding in connection therewith, such as a barn or private garage;

(b) Any two, three, or four family dwelling;

(c) Any five to sixteen family dwelling, inclusive, located in a governmental subdivision of this state which provides a detailed building code review of building projects by a building inspection department which is a Class A member of the international conference of building officials;

(d) Any farm or ranch building or accessory thereto except any building regularly used for public purposes;

- 1 (e) Any temporary building or shed used exclusively for construction purposes, not  
2 exceeding two stories in height, and not used for living quarters;
- 3 (7) Any person who prepares detailed or shop plans required to be furnished by a  
4 contractor to a registered professional engineer or architect; and any construction  
5 superintendent supervising the execution of work designed by an architect or  
6 professional engineer registered in accordance with this title;
- 7 (8) Any person engaged in the preparation of plans and specifications for the new  
8 construction, the enlargement or the alteration of any of the following buildings:
- 9 (a) Any portion of a hospital occupied by patients on a twenty-four hour basis or  
10 any building occupied as a jail if the gross square footage of the new  
11 construction, the enlargement or the alteration is three thousand square feet or  
12 less;
- 13 (b) Any building occupied as a hospital, hotel, motel, restaurant, library, medical  
14 office, nursing facility, retirement home or mortuary, or any hospital area not  
15 provided for in subsection (a), if the gross square footage of the new  
16 construction, the enlargement or the alteration is four thousand square feet or  
17 less;
- 18 (c) Any building occupied as an auditorium, bank, church, fire station, school,  
19 single-story office, theater, or public building if the gross square footage of the  
20 new construction, the enlargement or the alteration is five thousand square feet  
21 or less;
- 22 (d) Any building occupied as a service station if the gross square footage of the  
23 new construction, the enlargement or the alteration is six thousand square feet  
24 or less;
- 25 (e) Any building occupied as a bowling alley, multi-story office, shopping center,

1 or store if the gross square footage of the new construction, the enlargement  
2 or the alteration is seven thousand square feet or less;

3 (f) Any building occupied as an industrial plant or public garage if the gross square  
4 footage of the new construction, the enlargement or the alteration is eleven  
5 thousand square feet or less;

6 (g) Any building occupied as a warehouse if the gross square footage of the new  
7 construction, the enlargement or the alteration is twenty thousand square feet  
8 or less;

9 (h) Any building with an occupancy other than those listed in subsections (a) to  
10 (g), inclusive, of this subdivision if the gross square footage of the new  
11 construction, the enlargement or the alteration is ~~one~~ three thousand square  
12 feet or less;

13 (i) Any pre-engineered or predesigned building, or any pre-engineered or  
14 predesigned building with a predesigned system, designed for the intended use  
15 of that building, including building structure, electrical, plumbing, and  
16 mechanical systems, if the buildings and systems are supplied directly, or  
17 indirectly, by a company engaged in the business of designing and supplying  
18 such buildings and systems and if the company has in its employ one or more  
19 engineers or architects licensed in South Dakota, who prepare all designs for  
20 such buildings and systems.

21 No person exempted may use the title of professional engineer, architect, or land surveyor,  
22 or any other word, words, letters, or signs in connection with ~~his~~ the person's name that may  
23 falsely convey the impression that ~~he~~ the person is a licensed professional engineer, architect, or  
24 land surveyor.

25 Section 2. That § 36-18-37.2 be amended to read as follows:

1       36-18-37.2. No public officer or employee, as defined in subdivisions 22-1-2 (37) and (39),  
2 charged with the authority or responsibility of approving or accepting plans, specifications, and  
3 plats ~~shall~~ may accept or approve such plans, specifications and plats which have been prepared  
4 in violation of this chapter. The approval by a person licensed pursuant to this chapter, is not  
5 required of building construction or alterations as described in § 36-18-7.

6       Section 3. That § 5-18-15 be repealed.

7       ~~5-18-15. No person, firm, or corporation may act as architect or engineer and also contractor~~  
8 ~~on any public work in this state where the amount to be expended upon such public work~~  
9 ~~exceeds fifteen hundred dollars. Public works of an emergency nature which affect the public~~  
10 ~~health and safety of the state and are funded through the use of an emergency appropriation or~~  
11 ~~special appropriation, and full-service firms which specialize in the design, fabrication, and~~  
12 ~~installation of cultural and educational exhibits are exempt from this section.~~

1    **BILL HISTORY**

2    2/4/97 First read in House and referred to State Affairs. H.J. 299

3    2/10/97 Scheduled for Committee hearing on this date.

4    2/10/97 Deferred to another day. H.J. 377

5    2/12/97 Scheduled for Committee hearing on this date.

6    2/14/97 Scheduled for Committee hearing on this date.

7    2/14/97 Deferred to another day. H.J. 482

8    2/15/97 Scheduled for Committee hearing on this date.

9    2/15/97 State Affairs Do Pass Amended, AYES 10, NAYS 3. H.J. 506